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10 Attorneys for Defendant,

11 N.S., a minor, by and through his parents

12 ANGELA GENNINO and WAYNE SAMDAHL

13 OAKLAND UNIFIED SCHOOL DISTRICT,

14 Plaintiff,

15 vs.

16 N.S., a minor, by and through his parents

17 ANGELA GENNINO and WAYNE

18 SAMDAHL,

19 Defendant.

20 N.S., a minor, by and through his parents

21 ANGELA GENNINO and WAYNE

22 SAMDAHL,

23 Counter-Plaintiff,

24 vs.

25 OAKLAND UNIFIED SCHOOL DISTRICT,

26 Counter-Defendant.

Case No.: 14-cv-05569-JSW (KAWx)

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**
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**JOINT NOTICE OF CONDITIONAL
SETTLEMENT AND REQUEST TO
STAY PROCEEDINGS; AND
~~[PROPOSED]~~ ORDER**

1 **TO THE COURT:**

2 Plaintiff and Cross-Defendant Oakland Unified School District (“OUSD”), and
 3 Defendant and Counter-Plaintiff N.S., a minor, by and through his parents, Angela Gennino and
 4 Wayne Samdahl, hereby stipulate as follows:

5 1. WHEREAS, on November 24, 2015, N.S. filed a motion for attorney’s fees
 6 (Docket No. 44), and on December 9, 2015, this Court granted the parties’ joint stipulation and
 7 request setting a hearing and briefing schedule (Docket No. 61);

8 2. WHEREAS, on November 25, 2015, OUSD filed a notice of appeal (Docket No.
 9 52), and on December 3, 2015, N.S. filed a notice of counter-appeal (Docket No. 54);

10 3. WHEREAS, the parties have now reached an agreement in principle that resolves
 11 all matters herein, including N.S.’s motion for attorney’s fees, and the parties’ actions in the
 12 Ninth Circuit Court of Appeals (Case Nos. 15-17325 and 15-17380), and are already in the
 13 process of obtaining a fully executed settlement agreement by the necessary signatories;

14 4. WHEREAS, OUSD also requires approval of the settlement agreement by its
 15 Governing Board of the District, which is expected to occur at the Board meeting on January 13,
 16 or 27, 2016; and

17 5. WHEREAS, under the terms of the agreement, OUSD shall make a settlement
 18 payment within 30 days of Board approval;

19 **THEREFORE, IT IS STIPULATED AND REQUESTED THAT:**

20 6. The briefing and hearing dates granted by this Court on December 9, 2015, are
 21 hereby vacated (opposition due January 26, 2016; reply due February 5, 2016; hearing on March
 22 3, 2016);

23 7. The parties shall file requests for dismissals with prejudice within three (3)
 24 business days of approval of the settlement agreement by the Governing Board of OUSD on
 25 January 13 or 27, 2016;

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1 8. Should the settlement agreement not materialize or the Governing Board of
2 OUSD not approve it, the parties shall inform this Court and request a new briefing schedule and
3 hearing date; and

4 9. Should the parties dismiss this matter, this Court shall retain jurisdiction over the
5 parties to enforce the settlement until performance in full of the terms of the settlement.

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7 Dated: December 11, 2015

MILLER WASHINGTON & KIM, LLP

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10 Dated: December 11, 2015

11 By: _____/s/
12 Natashe Washington
13 Attorneys for Defendant & Counter-Plaintiff,
14 N.S., a minor, by and through his Guardian Ad
15 Litem, Angela Gennino

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17 Dated: December 11, 2015

FAGEN FRIEDMAN & FULFROST, LLP

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22 By: _____/s/
23 David R. Mishook
24 Attorneys for Plaintiff & Counter-Defendant,
25 OAKLAND UNIFIED SCHOOL DISTRICT

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